

REMARKS

Claims 1-15, and 24-26 are of all the claims presently pending in the application. Applicant has editorially amended claims 1-15 for clarity. Applicant has canceled claims 16-23 without prejudice or disclaimer. Applicant has added claims 24-26 to claim additional features of the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

As a preliminary matter, Applicant affirms the provisional election to prosecute the invention of group 1, directed to claims 1-15. Accordingly, Applicant has canceled claims 16-23. Applicant expressly reserves the right to file a divisional application directed to the claimed invention recited in claims 16-23.

Claims 1-3, 7, 9, and 12-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kowalski (U.S. Patent No. 6,158,766). Claims 1, 5, 7-8, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lindstrom (U.S. Patent No. 5,568,938). Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Enders et al. (U.S. Patent Application Publication No. US 2004/0007856 A1; hereinafter "Enders"). Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski in view of Enders. Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindstrom in view of Kowalski. Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over

Kowalski in view of Brantman et al. (U.S. Patent No. 5,695,242; hereinafter Brantman). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindstrom in view of Enders.

Applicant respectfully traverses these rejections in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to an inflator bag for a vehicle occupant restraining apparatus being able to expand and develop by a high-pressure gas filled in the inflator bag and is capable of restraining a vehicle occupant by being expanded and developed.

The inflator bag includes a box-shaped bag main body having gore portions on surrounding side faces to ensure a height of the box-shaped bag main body, wherein, in the gore portions, a folded line to be folded toward an inside of the box-shaped bag main body is formed in an intermediate portion in a height direction of the gore portions, which is used to allow the gore portions to be folded, and an overlaid and folded portion formed in an end of the gore portions on the surrounding side faces with corner portions of the box-shaped bag main body being sandwiched between one surrounding side face and another surrounding side face adjacent to the one surrounding side face wherein the gore portions are folded in a overlaid manner in the overlaid and folded portions at a same time when another gore portion on another surrounding side face is folded. The box-shaped bag main body is folded in a manner so as to be in a flat state when the gore portions are folded in a manner to form a valley line along the folded line (e.g., see Application at page 4, line 13 through page 5, line 5)

Furthermore, the claimed invention (e.g., as defined by exemplary claim 7) is directed to an inflator bag for a vehicle occupant restraining apparatus being able to expand and develop by a high-pressure gas filled in the inflator bag and is capable of restraining a vehicle occupant by being expanded and developed.

The inflator bag includes a hollow body having an opening formed on opposing sides of the hollow body and a cross-sectional structure in which the opposing sides of the hollow body are dented in a U-shaped manner toward an inside of a tube-shaped body in one diameter direction out of two diameter directions intersecting at right angles on the hollow body and the opposing sides of the hollow body are crushed in a manner so as to be in a plane state in another diameter direction. A bag main body includes opened portions of the hollow body on the opposing sides and end face plates blocking the opened portions, and the bag main body is crushed in a manner so as to be in a flat state on the opposing sides in the another diameter direction (e.g., see application at page 8, lines 8-24).

Accordingly, the claimed invention provides an inflator bag for a vehicle occupant restraining device, which is stable and compact (e.g., see application at page 4, lines 5-10).

II. THE PRIOR ART REFERENCES

A. The Kowalski Reference

Claims 1-3, 7, 9, and 12-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kowalski (U.S. Patent No. 6,158,766).

Applicant respectfully submits, however, that Kowalski does not teach or suggest each feature of the claimed invention.

That is, Kowalski does not teach or suggest “an overlaid and folded portion formed in an end of said gore portions on said surrounding side faces with corner portions of said box-shaped bag main body being sandwiched between one surrounding side face and another surrounding side face adjacent to said one surrounding side face wherein said gore portions are folded in a overlaid manner in said overlaid and folded portions at a same time when another gore portion on another surrounding side face is folded” (emphasis added by Applicant), as recited in exemplary claim 1.

In accordance with an exemplary aspect of the claimed invention (e.g., as defined by claim 1) the inflatable bag (e.g., 50; Applicant submits that exemplary reference numbers are merely provided for the convenience of the Examiner and are not meant to limit the scope of the claimed invention in any manner) includes gore portions (e.g., 54) formed on side and end surfaces of the inflatable bag (e.g., 50). Furthermore, the claimed invention includes an overlaid and folded portion (e.g., 56) on the gore portions (e.g., 54) on the side surfaces of the inflatable bag (e.g., 50). These portions (e.g., 56) are folded and overlaid onto side surfaces (e.g., 54a) (e.g., see application at Figure 1c).

Kowalski does not teach or suggest this feature of the claimed invention.

Indeed, in the rejection of claims 1-3, 7, 9, and 12-13 based on Kowalski, the Examiner alleges that Figures 1-5 of Kowalski illustrate this feature of the claimed invention.

Applicant submits that it is not clear which feature of Kowalski allegedly teaches the overlaid and folded portion of the claimed invention. Indeed, the Office Action does not indicate which feature the Examiner is relying on to support the rejection based on Kowalski.

Applicant respectfully submits that Kowalski does not teach or suggest an overlaid and

folded portion formed in an end of said gore portions on said surrounding side faces with corner portions of said box-shaped bag main body. Indeed, Figures 1-5 of Kowalski merely teach an cut-out portion, in the general shape of a triangular cut-out, formed on each corner of the air bag (e.g., see Figures 1-5, and particularly Figure 5, of Kowalski). The cut-out portion of Kowalski, however, is not folded nor overlaid onto a side face of the gore portions, as recited in the claimed invention.

Moreover, Applicant submits that Kowalski does not teach or suggest “*wherein a bag main body comprises opened portions of said hollow body on the opposing sides and end face plates blocking the opened portions*”, as recited in exemplary claim 7.

In the rejection of claim 7, the Office Action alleges that this feature of the claimed invention is described at column 2, lines 12-19 of Kowalski. Applicant submits, however, does not support the allegations in the Office Action regarding claim 7.

That is, in accordance with an exemplary aspect of the claimed invention (e.g., as defined by claim 7), a main body (e.g., 502) of an inflatable bag (e.g., 501) may have open end portions (e.g., see application at Figure 5). The open end portions may be blocked by end face plates (e.g., 503). This feature is not taught or suggested by Kowalski.

Indeed, Applicant submits that Kowalski does not teach or suggest an inflatable bag having open end portions. That is, the air bag of Kowalski is entirely enclosed with the exception of a small opening for receiving pressured air, which is connected to the inflator 30 (e.g., see Kowalski at Figure 5). Thus, Kowalski clearly cannot teach or suggest end plates for blocking open end portions, when the main body of the inflatable bag does not include open end portions.

Furthermore, Applicant submits that the passage relied upon in the rejection of claim 7 does not support the allegations in the rejection. That is, Kowalski merely describes a top plate 26 and a bottom plate 28 formed, respectively, on a top surface and a bottom surface of the air bag (see Kowalski at Figure 2 and column 2, lines 12-19). This passage (nor any other portion of Kowalski) teaches or suggests end plates, let alone end plates that block open end portion of an inflatable bag.

Therefore, Applicant respectfully submits that there are features of the claimed invention that are not taught nor suggested by Kowalski. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

B. The Lindstrom Reference

Claims 1, 5, 7-8, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lindstrom (U.S. Patent No. 5,568,938). Furthermore, Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindstrom in view of Kowalski.

Applicant respectfully submits, however, that Lindstrom (taken alone or in combination with Kowalski) does not teach or suggest each feature of the claimed invention.

That is, Lindstrom does not teach or suggest “an overlaid and folded portion formed in an end of said gore portions on said surrounding side faces with corner portions of said box-shaped bag main body being sandwiched between one surrounding side face and another surrounding side face adjacent to said one surrounding side face wherein said gore portions are folded in a overlaid manner in said overlaid and folded portions at a same time when another gore portion on another surrounding side face is folded” (emphasis added by Applicant), as recited in

exemplary claim 1.

In accordance with an exemplary aspect of the claimed invention (e.g., as defined by claim 1) the inflatable bag (e.g., 50; Applicant submits that exemplary reference numbers are merely provided for the convenience of the Examiner and are not meant to limit the scope of the claimed invention in any manner) includes gore portions (e.g., 54) formed on side and end surfaces of the inflatable bag (e.g., 50). Furthermore, the claimed invention includes an overlaid and folded portion (e.g., 56) on the gore portions (e.g., 54) on the side surfaces of the inflatable bag (e.g., 50). These portions (e.g., 56) are folded and overlaid onto side surfaces (e.g., 54a) (e.g., see application at Figure 1c).

Lindstrom does not teach or suggest this feature of the claimed invention.

Indeed, in the rejection of claims 1, 5, 7, 8, and 14 based on Lindstrom, the Examiner alleges that Figures 5 and 6 of Lindstrom illustrate this feature of the claimed invention.

Applicant submits that it is not clear which feature of Lindstrom allegedly teaches the overlaid and folded portion of the claimed invention. Indeed, the Office Action does not indicate which feature the Examiner is relying upon to support the rejection based on Lindstrom.

Applicant respectfully submits that Lindstrom does not teach or suggest an overlaid and folded portion formed in an end of said gore portions on said surrounding side faces with corner portions of said box-shaped bag main body. Indeed, Figures 5 and 6 do not support the rejection based on Lindstrom.

If the Examiner wishes to maintain this rejection, Applicant respectfully requests the Examiner to point out which feature of Lindstrom the Examiner is relying on.

Moreover, Applicant submits that Lindstrom does not teach or suggest “*wherein a bag*

main body comprises opened portions of said hollow body on the opposing sides and end face plates blocking the opened portions”, as recited in exemplary claim 7.

In the rejection of claim 7, the Office Action alleges that this feature of the claimed invention is described in Figure 5 and 6 of Lindstrom. Applicant submits, however, does not support the allegations in the Office Action regarding claim 7.

That is, in accordance with an exemplary aspect of the claimed invention (e.g., as defined by claim 7), a main body (e.g., 502) of an inflatable bag (e.g., 501) may have open end portions (e.g., see application at Figure 5). The open end portions may be blocked by end face plates (e.g., 503). This feature is not taught or suggested by Lindstrom.

Indeed, Applicant submits that Lindstrom does not teach or suggest an inflatable bag having open end portions. That is, Lindstrom merely teaches an air bag 40 including a front wall 41, a rear wall 42, sidewalls 43, 44, 45, and 46 (see Lindstrom at column 4, lines 26-31 and Figures 5 and 6). Lindstrom does not, however, teach or suggest an air bag having open end portions nor end face plates blocking the open end portions.

Therefore, Applicant respectfully submits that there are features of the claimed invention that are not taught nor suggested by Lindstrom (taken alone or in combination with Kowalski). Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

C. The Enders Reference

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Enders et al. (U.S. Patent Application Publication No. 2004/0007856 A1). Furthermore, claims 4 and 11

stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski in view of Enders. Additionally, claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindstrom in view of Enders.

Applicant respectfully submits, however, that Enders does not teach or suggest each feature of the claimed invention.

That is, Enders does not teach or suggest “an overlaid and folded portion formed in an end of said gore portions on said surrounding side faces with corner portions of said box-shaped bag main body being sandwiched between one surrounding side face and another surrounding side face adjacent to said one surrounding side face wherein said gore portions are folded in a overlaid manner in said overlaid and folded portions at a same time when another gore portion on another surrounding side face is folded” (emphasis added by Applicant), as recited in exemplary claim 1.

In accordance with an exemplary aspect of the claimed invention (e.g., as defined by claim 1) the inflatable bag (e.g., 50; Applicant submits that exemplary reference numbers are merely provided for the convenience of the Examiner and are not meant to limit the scope of the claimed invention in any manner) includes gore portions (e.g., 54) formed on side and end surfaces of the inflatable bag (e.g., 50). Furthermore, the claimed invention includes an overlaid and folded portion (e.g., 56 on the gore portions (e.g., 54) on the side surfaces of the inflatable bag (e.g., 50). These portions (e.g., 56) are folded and overlaid onto side surfaces (e.g., 54a) (e.g., see application at Figure 1c).

Enders does not teach or suggest this feature of the claimed invention.

Indeed, in the rejection of claim 1 based on Enders, the Examiner alleges that this feature

of the claimed invention is illustrated in Figures 1, 2, 5, and 6 of Enders.

Applicant submits that it is not clear which feature of Enders allegedly teaches the overlaid and folded portion of the claimed invention. Indeed, the Office Action does not indicate which feature the Examiner is relying upon to support the rejection based on Enders.

Applicant respectfully submits that Enders does not teach or suggest an overlaid and folded portion formed in an end of said gore portions on said surrounding side faces with corner portions of said box-shaped bag main body.

If the Examiner wishes to maintain this rejection, Applicant respectfully requests the Examiner to specifically identify which feature of Enders the Examiner is relying on to support this rejection.

Therefore, Applicant respectfully submits that there are features of the claimed invention that are not taught nor suggested by Enders (taken alone or in combination with Kowalski and/or Lindstrom). Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

D. The Brantman Reference

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski in view of Brantman.

Applicant respectfully submits that dependent claim 10 is allowable for similar reasons to those set forth above, in section A, with respect to claims 1-3, 7, 9, and 12-13.

Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

III. NEW CLAIMS

Applicant has added new claims 24-26 to provide more varied protection for the claimed invention and to claim additional features of the invention. These claims are independently patentable because of the novel features recited therein.

Applicant respectfully submits that new claims 24-26 are patentable over any combination of the applied references at least for analogous reasons to those set forth above with respect to claims 1-15.

IV. FORMAL MATTERS AND CONCLUSION

Applicant submits that the filing date for the application is incorrect in the USPTO records. That is, the USPTO indicates that the filing date of the application is April 14, 2005. This is not the correct filing date. The filing date of the application is January 25, 2005.

Under 37 C.F.R. §1.53(b), a filing date is assigned to a non-provisional application when the following is filed in the U.S. Patent and Trademark Office:

- 1) specification, including a description and claim, and
- 2) any necessary drawings.

Applicant filed a specification, including a description and claim, and drawings on January 25, 2005. Applicant merely submitted an executed declaration on April 14, 2005. Accordingly, the correct filing is January 25, 2005. Applicant requests appropriate correction.

In view of the foregoing, Applicant submits that claims 1-15, and 24-26, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in

condition for allowance. Applicant respectfully requests the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicant requests the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Applicant authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: September 21, 2007



Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254